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| APPLICATION NO | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO | CONFIRMATION NO |
|----------------|-------------|----------------------|--------------------|-----------------|
| 09 995,644 | 11 29 2001 | Ken Sakai | 36856.579 | 8177 |

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[REDACTED] EXAMINER

CHANG, JOSEPH

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2817

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/995,644 | SAKAI, KEN |
| | Examiner Joseph Chang | Art Unit 2817 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 11-17 is/are rejected.
- 7) Claim(s) 5-10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

Claims 16-18 are objected to because of the following informalities: Claim number 15 is missing from the claims. Appropriate correction is required.

For the continue examination, numbering of Claims 16-18 have been changed to 15-17.

Drawings

Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

Claims 1-4 and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukada US Patent 4,205,274.

Tsukada discloses a communication apparatus (figure 1) comprising an oscillator circuit (1-6); and an amplifier circuit (10) for amplifying an oscillation signal from the

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oscillator circuit (2-6), the oscillator circuit and the amplifier circuit being connected to each other (circuit 10 and (1-6)); wherein the amplifier circuit includes an amplifier transistor (12), and a resistance changing unit (34,35,N,E,61,36,21,41) located between the emitter of the amplifier transistor and ground (see the figure). Regarding claim 2, a control voltage corresponds to the dotted line to Resonant circuit 4, a power supply (82), and output (N,E output of 52). Regarding claims 3-4 and 11-17, the figure shows a plurality of resistors, capacitors and switches. Regarding claim 11, the resistance changing unit is switched (61) according to the oscillation frequencies of the oscillation circuit (see dotted lines in the figure).

Allowable Subject Matter

Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Tsukada discloses communication apparatus (figure 2) comprising an oscillator circuit (2-6); and an amplifier circuit (10) for amplifying an oscillation signal from the oscillator circuit (2-6), the oscillator circuit and the amplifier circuit being connected to each other (circuit 10 and (2-6)); wherein the amplifier circuit includes an amplifier transistor (12), and a resistance changing unit (34,35,N,E,61,36,21,41) located between the emitter of the amplifier transistor and ground (see the figure). However, one of ordinary skill in the art would not have been motivated to have a resistor being

connected between a collector and base of the amplifier transistor, as set forth in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harford discloses a gain controlled amplifier arranged in a common emitter configuration included a PIN diode as controllable impedance in the emitter circuit.

Xavier discloses an adjustable voltage gain amplifier using switches in the emitter circuit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Chang whose telephone number is (703) 308-4800. The examiner can normally be reached on Mon-Thur 0630-1700.

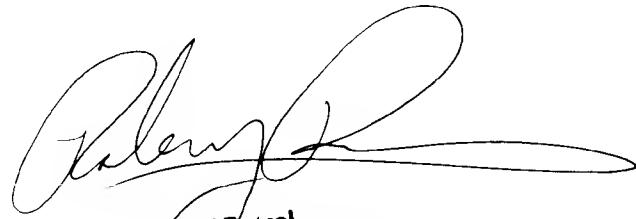
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications. In addition, the official TC2800 RightFAX numbers are Before-Final (703-872-9318) and After-Final Fax numbers (703-872-9319). These RightFAX numbers provide the fax sender with an auto-reply fax verifying receipt of their fax by the USPTO.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

jc
March 13, 2003



Robert Pascal
Supervisory Patent Examiner
Technology Center 2800